

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7632

Petition of Triland Partners, LP, for a Certificate)
of Public Good, pursuant to 30 V.S.A. Section 248,)
authorizing the installation and operation of a)
2.1 MW solar electric generation facility in)
Williamstown, Vermont)

Order entered: 9/28/2010

ORDER RE MOTION TO INTERVENE

On September 20, 2010, the Vermont Agency of Agriculture, Food and Markets ("AAFM"), through the Attorney General's Office, filed a motion to intervene in this Docket. In its motion, AAFM asks that it be granted intervention pursuant to Board Rule 2.209.

In its motion to intervene, AAFM states that it has evaluated the petition of Triland Partners, LP, and determined that the site of the project contains soils map units classified as primary agricultural soils, and seeks to intervene with regard to: (1) 30 V.S.A. § 248(b)(4) regarding the impact the project may have upon the economic viability of Vermont's agricultural economy; and (2) Section 248(b)(5) the natural environment, specifically the potential impacts to the primary agricultural soils located at the project site. AAFM states that it has a particularized interest in ensuring that the proposed project is designed to avoid permanent reduction in the agricultural potential of quality agricultural soils and/or provide mitigation for impacts which permanently reduce the agricultural potential of these soils. AAFM further states that its staff has particularized knowledge and experience, not only with identification of primary agricultural soils but with the evaluation and case by case assessment of the potential economic viability for agricultural production based on size and location of these soils. AAFM contends that its expertise and interests differ markedly from that presented by the Agency of Natural Resources.

No party filed a response to AAFM's motion to intervene.

I conclude that AAFM has demonstrated a particularized interest with respect to the economic viability of Vermont's agricultural economy and the natural environment, given its statutory obligations and interest with respect to identification and protection of primary agricultural soils.

I grant AAFM's motion on a permissive basis, under Board Rule 2.209(B), limited to the interests that it has identified in its motion with regard to economic and natural environment impacts of the proposed project (criteria (b)(4) and (5)).¹

SO ORDERED.

Dated at Montpelier, Vermont, this 28th day of September, 2010.

s/ Mary Jo Krolewski

Mary Jo Krolewski
Hearing Officer

OFFICE OF THE CLERK

FILED: September 28, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

1. I note that, although Section 248(b)(5) requires the Board to give due consideration to several specified Act 250 criteria, 10 V.S.A. § 6086(a)(9)(B), concerning primary agricultural soils, is not one of these specified criteria. However, the Board has stated that it may extend the review of a project's impacts beyond the referenced criteria of Act 250 in reviewing a project's impacts under Section 248(b)(5). Docket 7508, Order of 6/11/10 at 26-29.